

WAIVER OF SERVICE OF SUMMONS

TO: Ryan Lozar, Esq.
305 Broadway, 9th Floor
New York, New York 10007

I acknowledge receipt of your request that I waive service of a summons in the action of Katrina Peebles v. City of New York, et. al. which is case number assigned docket number 15-CV-6511 (JBW-PK). The case is entitled in the United States District Court for the Eastern District of New York. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4.

I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after April 28, 2016 or within 90 days after that date if the request was sent outside the United States.

05/09/16
Date

Mikela Zickor
Signature

Printed/typed name:

Mikela Zickor

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause is shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

the Court's decision in *United States v. Jones*, 469 U.S. 359, 57 L. Ed. 2d 623, 115 S. Ct. 1053 (1995), which held that the government's installation of a GPS device on a vehicle without a warrant violated the Fourth Amendment. The Court in *Jones* found that the government's conduct was a "search" within the meaning of the Fourth Amendment because it involved a physical intrusion into the vehicle's interior. The Court also found that the government's conduct was a "search" because it involved a prolonged monitoring of the vehicle's movements.

The Court in *Jones* also found that the government's conduct was a "search" because it involved a prolonged monitoring of the vehicle's movements. The Court found that the government's conduct was a "search" because it involved a prolonged monitoring of the vehicle's movements. The Court found that the government's conduct was a "search" because it involved a prolonged monitoring of the vehicle's movements.

The Court in *Jones* also found that the government's conduct was a "search" because it involved a prolonged monitoring of the vehicle's movements. The Court found that the government's conduct was a "search" because it involved a prolonged monitoring of the vehicle's movements. The Court found that the government's conduct was a "search" because it involved a prolonged monitoring of the vehicle's movements.